/THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 607 OF 2007

DATED: 05-01-2007

Between:

Kunduru Upender Reddy,
S/o.Ramana Reddy and four others

… Petitioners

And

The District Collector,
Warangal District
at Warangal and another

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 607 OF 2007

ORDER:

The writ petition is misconceived.

Petitioners claim to be owners of lands in Survey No. 1203 to 1206 in Kundurupally village of Bhoopalapally Mandal of Warangal District. They left the village to settle in Hanamkonda, Warangal District due to threats to their lives from extremists. Their lands were acquired for the purpose of establishing a Thermal Power Station for the A.P. Genco. They received the notice under Section 9 and 10 of the Land Acquisition Act, 1894 (for short 'the Act') dated 06-03-2006 on 18-04-2006 after the scheduled date of enquiry (as per the notice) was over. Petitioners allege that certain persons, have taken advantage of their absence from the village and had fabricated documents and got their names reflected in the possessory column in the relevant revenue records and that these persons are claiming compensation for acquiring lands of the petitioners. Petitioners got issued a legal notice to the respondents on 11-08-2006 asserting their title to the lands and claiming that they are entitled to the

compensation amount. Apprehending that these objections would not be considered, the petitioners are before this Court.

Admittedly, no award has yet been passed. The petitioners have lodged their objections on 11-08-2006. In the circumstances, the petitioners' claims to title and ownership of the lands in question, which have been acquired and to the compensation on such acquisition, will have to be considered by second respondent and if the second respondent so desires, he may refer such claims for resolution, to the civil court as per the provisions of the Act. If the second respondent chooses to himself determine the competing claims to title and entitlement to compensation and passes an award, the petitioners if aggrieved thereafter, still have a remedy by way of seeking a reference to the civil court.

In the aforesaid analysis, the writ petition is pre-mature and is accordingly dismissed at the stage of admission, after hearing the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition. There shall however be no order as to costs.

GODA RAGHURAM, J.

Dt: 05-01-2007
Rns